

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-97-0074 GEB JFM P

vs.

SEAN MARZELL MURRAY,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a document styled as a "Writ of Error Audita Querela." The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 14, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Movant has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the

1 entire file, the court finds the findings and recommendations to  
2 be supported by the record and by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed April 14,  
5 2005, are adopted in full;

6 2. Movant's March 11, 2005 writ of error audita  
7 querela is construed as a motion to vacate, set aside, or correct  
8 his sentence pursuant to 28 U.S.C. § 2255 and, so construed, is  
9 dismissed without prejudice.

10 Dated: June 20, 2005

11 /s/ Garland E. Burrell, Jr.  
12 GARLAND E. BURRELL, JR.  
13 United States District Judge  
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